REMARKS

These amendments and remarks are in response to the Office Action dated March 10, 2009. This amendment is timely filed.

At the time of the Office Action, claims 1-21 were pending in the application. In the Office Action, objections were raised to claims 3-5, 7, 9 and 21. Claims 1-7, 9, 11-15 and 17-21 rejected under 35 U.S.C. §102(b). Claims 8, 10 and 16 were rejected under 35 U.S.C. §103(a). The objections and rejections are discussed in more detail below.

New claims 22-29 are added herein. Support for claims 22, 24, 26 and 28 can be found in the original specification, page 5, lines 1 to 4. Support for claims 23 and 25 can be found, e.g., in the specification.page 17, lines 8, 9. Support for claim 25 and 29 is found in e.g. in the description of the embodiments, since the measurement object 47 is the vehicle wheel comprising a brim 48 and a wheel dish 49 (see e.g. Fig. 5 and corresponding description).

I. Objections to the Claims

Claims 3-5, 7, 9 and 21 were objected to for the informalities listed in the Office Action. Appropriate amendments have been made herein, and withdrawal of the objection is thus respectfully requested.

II. Rejections of the claims based on cited art

Claims 1-7, 9, 11-15 and 17-21 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,721,388 to Takagi et al. (hereafter "*Takagi*"). Claims 8 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takagi in view of U.S. Patent Publication No. 2006/0158663 to Martinschledde et al. Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Takagi* in view of U.S. Patent Publication No. 2003/0038948 to Prinzhausen et al.

With regard to the claim rejections under 35 U.S.C. §102 of claims 1-7, 9, 11 –15, 17-21 in view of *Takagi*, claims 1 and 11 have been amended in such a way that it is made clear that the sensor system is rotated about the measurement object for determining the control data. Applicant notes that the claims are also in line with the corresponding issued European patent, No. 1 733 183.

With regard to the disclosure, please refer e.g. to paragraph [0043] of the published application where it is stated that in the novel concept of the wheel measuring machine the measurement sensor is rotated about the (fixed) measuring object, which is different from previous solutions where the measuring object (wheel) was rotated. Please note that the term "radius" in [0043] is based on a translation error. The word "Rad" in German is "wheel" in English. An appropriate correction is made herein.

With regard to patentability it is to be noted that *Takagi* in fact shows in Fig. 4 and column 4, lines 13-26 that a sensor system is rotated about a rotation axis (S-axis) relative to the measurement object for determining contour data. However, the amended claims 1 and 11 now make it clear that in the presently claimed system and method, the sensor system rotates about the measurement object during this rotation. This is not the case in the system of *Takagi*. Instead, the *Takagi* sensor is placed outside the measurement object, and the rotation axis of the sensor (S-axis) goes through the sensor such that, upon rotation of the sensor, the sensor rotates about itself and is able to scan a part of the surface of the measurement object, without rotating about the measurement object. Possible movements of the sensor 3 of *Takagi* as a whole are along linear axes X, Y, Z of a Cartesian co-ordinate system.

In contrast, according to claims 1 and 11, the sensor system rotates about the measurement object. For example, in the embodiment of Fig. 5 the rotation axis 7 of the sensor system is arranged coaxial with the axis of rotational symmetry of the (non-rotating) measurement object, and the optical sensors 27A, 27B of the sensor system are arranged outside the rotational axis 7 at a radial distance therefrom, which allows the sensors of the sensor system to rotate about the measurement object and to measure the entire outer contour of the measurement object when the sensors of the sensor system are rotated about the measurement object.

Therefore, *Takagi* is concerned with a measuring method and measuring system serving a different purpose and operating quite differently from the method of claim 1 and the system of claim 11.

As *Takagi* follows a measuring system quite different from the measuring method of claim 1 or the device of claim 11, *Takagi* can also not serve as a successful document on which rejections

under 35 U.S.C. §103 could be warranted, either singly or in combination with any other prior art reference.

For the foregoing reasons, claims 1 and 11 are patentable over the cited prior art. The dependent claims are also believed to be allowable because of their dependence upon an allowable base claim, and because of the further features recited

III. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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